

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LOCAL UNION 584, INTERNATIONAL )  
BROTHERHOOD OF ELECTRICAL )  
WORKERS, AFL-CIO, a labor )  
organization, )

Plaintiff, )

vs. )

No. 71-C-152

DOUGLAS AIRCRAFT COMPANY, )  
a component of the McDonnell- )  
Douglas Corporation, )

Defendant. )

FILED

NOV 30 1972

ORDER OF DISMISSAL

Clerk  
U. S. DISTRICT COURT

Now on this 30<sup>th</sup> day of November, 1972, this matter comes on for consideration of the parties' application for dismissal with prejudice. The parties' application and consent is evidenced by their signatures below approving this Order.

The Court finds that the parties have entered into a written Settlement Agreement settling, compromising and disposing of all of the issues presented in this case and that such Settlement Agreement provides for a dismissal of this action with prejudice.

Based upon the Settlement Agreement, the Court hereby dismisses this action with prejudice and orders that each party bear its own costs and expenses.

s/ Fred Daugherty  
Honorable Fred Daugherty  
United States District Judge

APPROVED:

THOMAS F. BIRMINGHAM and  
SMITH, BROWN, MARTIN & ADKISSON

By

Thomas F. Birmingham  
Thomas F. Birmingham  
Attorneys for Plaintiff

RICHARD W. GABLE and  
GABLE, GOTWALS, HAYS, RUBIN & FOX

By

Richard W. Gable  
Richard W. Gable  
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
NOV 30 1972 R

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
 )  
 )  
FLOYD LEE FITZJARRELL and )  
DORLIS MARRIE FITZJARRELL, )  
 )  
Defendants. )

U. S. DISTRICT COURT  
Civil Action No. 72-C-302 ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 30 day  
of November, 1972, the plaintiff appearing by Robert P.  
Santoe, Assistant United States Attorney, and the defendants,  
Floyd Lee Fitzjarrell and Dorlis Marrie Fitzjarrell, appearing  
not.

The Court being fully advised and having examined the  
file herein finds that after diligent effort the whereabouts and  
residence of the defendants, Floyd Lee Fitzjarrell and Dorlis Marrie  
Fitzjarrell, cannot be ascertained; that these defendants were  
served by publication as appears from the Proof of Publication  
filed herein on November 28, 1972, and

It appearing that the said defendants have failed to  
answer herein and that default has been entered by the Clerk of  
this Court.

The Court further finds that this is a suit based upon  
a mortgage note and foreclosure on a real property mortgage securing  
said mortgage note and that the following described real property  
is located in Rogers County, Oklahoma, within the Northern Judicial  
District of Oklahoma:

Lot One (1), in Block Four (4) of WESTGATE MANOR  
ADDITION to the City of Claremore, Rogers County,  
Oklahoma, according to the recorded plat thereof.

THAT the defendants, Floyd Lee Fitzjarrell and Dorlis  
Marrie Fitzjarrell, did, on the 30th day of April, 1971, execute  
and deliver to the plaintiff, U. S. District Court, their mortgage and mortgage  
note for the sum of \$10,000.00, with interest at the rate of 12% per annum,

... of monthly installments  
... until ...

The Court further finds that by instrument dated June 11, 1971, Lomas & Nettleton Company assigned said Note and Mortgage to Federal National Mortgage Association and by instrument dated January 4, 1972, Federal National Mortgage Association assigned said Note and Mortgage to the Secretary of Housing and Urban Development, his successors and assigns.

The Court further finds that the defendants, Floyd Lee Fitzjarrell and Dorlis Marrie Fitzjarrell, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 9 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$19,949.11 as unpaid principal, with interest thereon at the rate of 7 per cent interest per annum from November 1, 1971, until paid, plus the cost of this action accrued and accruing.

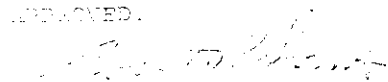
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Floyd Lee Fitzjarrell and Dorlis Marrie Fitzjarrell, <sup>in rem,</sup> for the sum of \$19,949.11 with interest thereon at the rate of 7 per cent per annum from November 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to execute and sell, with advertisement the real property and appurtenant interest as satisfaction of plaintiff's judgment. The sum of \$10.00 to be deposited with the Clerk of the Court ...

IT IS ORDERED, ADJUDGED AND DECREED that from and after the date of said decree, under and by virtue of this decree and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

  
United States District Judge

APPROVED.

  
THOMAS P. SANTEE  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JAMES F. CRAIG,

Plaintiff,

-vs-

ELLIOT RICHARDSON, As Secretary  
of Health, Education and Welfare,  
United States of America,

Defendant.

Case No. 72-C-277 Civil

**FILED**

NOV 30 1972

JACK C. SILVER-ACTING Clerk  
U. S. DISTRICT COURT

O R D E R

Defendant moves to dismiss Plaintiff's action for the reason the same was not filed within sixty days of the final decision of the Defendant, as required by 42 U.S.C.A. §405(g). Plaintiff refers to Rule 6(e), F.R.Civ.P., 28 U.S.C.A. and asserts that as the notice of the Appeals Council denying his claim was served by mail, three days must be added to the period of sixty days and that therefore the action was timely filed.

Plaintiff's assertion is not correct. Rule 82, F.R.Civ.P., 28 U.S.C.A. admits of no interpretation of the rules which will extend jurisdiction of this Court beyond its statutory limits. Rule 6(e) is not available to extend the sixty-day period of time, which is a jurisdictional requirement. Ewing v. Risher, 176 176 F. 2d 641 (Tenth Cir. 1949); Small v. Gardner, 390 F. 2d 186 (First Cir. 1968). Even one day's delay in filing the action is fatal. Zeller v. Folsom, 150 F. Supp. 615 (N.Y. 1956).

Defendant's Motion to Dismiss is granted, and Plaintiff's action is hereby dismissed.

It is so ordered this 30 day of November, 1972.

Fred Daugherty  
Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 40.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND IRENE L. )  
 SAMS, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 71-C-56

Tract No. 1463M

FILED

NOV 28 1972

J U D G M E N T

JACK J. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

Now, on this 27<sup>th</sup><sup>1.</sup> day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1463M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on March 8, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$200.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of March 8, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$200.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was no production of oil or gas as of the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 10 below.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract,

2.

as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of March 8, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was no production of oil or gas as of the date of taking.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$200.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1463M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$200.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

Mineral Interest . . . . . \$200.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . \$200.00

DEPOSIT DEFICIENCY . . . . . -0-



OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>MINERAL INTEREST:</u>				
Irene Sams	1/2 plus the other 1/2 through January 1, 1974.	\$150.00	None	\$150.00
Vernon H. McClure and Edith A. McClure	Reversionary interest in 1/2 would have vested January 1, 1974.	\$ 50.00	None	\$ 50.00

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JOHN ONG,

Plaintiff,

vs.

GENERAL MOTORS CORPORATION,  
a foreign corporation,

Defendant.

NO. 72-C-185

**FILED**

NOV 28 1972


JACK C. SILVER-ACTING Clerk  
U. S. DISTRICT COURT

O R D E R

The Court having reconsidered its Order of November 7, 1972, filed November 13, 1972, upon the Application for Dismissal Without Prejudice filed by the Plaintiff on November 6, 1972, and being fully advised in the premises finds that the terms in said Order should be deleted and held for naught, and the Application for Dismissal granted without terms.

IT IS, THEREFORE, ORDERED that this cause of action be and it is hereby dismissed without prejudice.

Dated this 28th day of November, 1972, at Tulsa, Oklahoma.

  
CHIEF JUDGE, UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JOHN E. BARBRE and TEN-B CORP. ,  
an Oklahoma corporation,

Plaintiffs,

vs.

No. 71 - C - 260

FIRST GENERAL RESOURCES COMPANY,  
formerly First General Real Estate &  
Resources Trust, formerly First General  
Real Estate Trust, a foreign corporation,

Defendant.

JACK G. SILVER--ACTING

ORDER OF DISMISSAL

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 1972, this matter comes  
on for hearing before the Court upon the application of the plaintiffs herein for  
an Order dismissing with prejudice the above styled cause and the Court,  
having examined the files and records, finds that the plaintiffs herein have  
previously filed a dismissal with prejudice and a release of all claims against  
said defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said  
cause should be, and the same is hereby, dismissed with prejudice to  
subsequent prosecution of said cause.

JUDGE OF THE FEDERAL  
DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

LEROY DALE HINES, )

Defendant. )

CIVIL ACTION NO. 72-C-213 ✓

**FILED**  
IN OPEN COURT

NOV 28 1972


Clerk  
U. S. DISTRICT COURT ✓

DEFAULT JUDGMENT

NOW, on this 28th day of November, 1972, there came on for consideration the motion of the plaintiff, United States States of America, for default judgment, it appearing the complaint and summons in this action were served on the defendant, Leroy Dale Hines, on June 21, 1972, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved, and that the time for the defendant to answer or otherwise move has not been extended, as appears from the Affidavit of the plaintiff filed herein on July 20, 1972.

The Court finds that plaintiff's claim against the defendant is for a sum certain or for a sum which can by computation be made certain.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT the plaintiff, United States of America, recover judgment against the defendant, Leroy Dale Hines, in the amount prayed for in the complaint, to-wit, \$774,540.71, plus interest according to law and costs of this action.

  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SAMMIE A. RIGGS,

Plaintiff,

v.

BRITISH COMMONWEALTH  
CORPORATION, A Texas  
Corporation; JAMES LOVELL;  
W. N. WRAY, Jr.; and IVAN HALJL,

Defendants.

NO. 69-C-272

ORDER OF DISMISSAL WITH PREJUDICE

On this the 2<sup>nd</sup> day of ~~October~~ <sup>November</sup>, 1972, appeared before the Court

Sammie A. Riggs, Plaintiff; British Commonwealth Corporation, Defendant;  
and James Lovell, Defendant, by and through their attorneys of record,  
and announced that all matters in controversy in Plaintiff's suit herein  
have been settled as between Plaintiff Sammie A. Riggs and Defendants  
British Commonwealth Corporation and James Lovell and that a full and  
complete settlement of all issues and controversies herein sued upon as  
between Plaintiff Sammie A. Riggs and Defendants British Commonwealth  
Corporation and James Lovell has been reached; and Plaintiff's suit  
herein against Defendants British Commonwealth Corporation and James  
Lovell should be dismissed with prejudice to refiling the same at any time  
in the future, and this Court finding that said cause should be so dismissed  
and settled,

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that  
the above styled and numbered cause be and the same is hereby dis-  
missed with prejudice to refiling of the same at any time in the future  
as to the issues and controversies between Plaintiff Sammie A. Riggs  
and Defendants British Commonwealth Corporation and James Lovell,  
and,

IT IS FURTHER ORDERED that each party shall bear its own court costs and discovery and deposition costs.

SIGNED AND ENTERED this 20<sup>th</sup> day of November, 1972.

---

United States District Judge

APPROVED:

---

Stan P. Doyle  
Attorney for Plaintiff

STROUD & SMITH

Robert W. Ryan, Jr.  
By: Robert W. Ryan, Jr.  
Attorneys for British Commonwealth  
Corporation and James Lovell

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
30.00 ACRES OF LAND, MORE OR )  
LESS, SITUATE IN NOWATA COUNTY, )  
STATE OF OKLAHOMA, AND HEIRS OF )  
BIRD MOCKICIN, ET AL., AND )  
UNKNOWN OWNERS, )  
 )  
Defendants.)

CIVIL ACTION NO. 71-C-287  
Tract Nos. 1677M and 1678M

FILED

NOV 21 1972

U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 21 day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 31, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract Nos. 1677M and 1678M as such estate and tracts are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on August 9, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$240.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of August 9, 1971.

6.

The Report of Commissioners filed herein on October 31, 1972, is hereby accepted and adopted as findings of fact as to the subject tracts, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$450.00.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tracts are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tracts and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a

2.



sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of August 9, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tracts were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 31, 1972, is hereby confirmed and the \$450.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NOS. 1677M and 1678M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$450.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

Mineral Interest . . . . . \$450.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . \$240.00

DEPOSIT DEFICIENCY . . . . . \$210.00

plus 6% Interest from  
August 9, 1971.

## OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>MINERAL INTEREST:</u>				
Lylie Mockicin Guess	1/4	\$112.50	None Plus 1/4 of accrued interest from 8-9-71.	\$112.50
Tennie Belle Gibson	1/4	\$112.50	None Plus 1/4 of accrued interest from 8-9-71.	\$112.50
Joe O'Fields	1/12	\$ 37.50	None Plus 1/12 of accrued interest from 8-9-71.	\$ 37.50
Ina Lou O'Fields	1/24	\$ 18.75	None Plus 1/24 of accrued interest from 8-9-71.	\$ 18.75
Samuel W. O'Fields	1/24	\$ 18.75	None Plus 1/24 of accrued interest from 8-9-71.	\$ 18.75
Anna Marie O'Fields	1/24	\$ 18.75	None Plus 1/24 of accrued interest from 8-9-71.	\$ 18.75
Mary Allen O'Fields	1/24	\$ 18.75	None Plus 1/24 of accrued interest from 8-9-71.	\$ 18.75
Walker Cochran	1/12	\$ 37.50	None Plus 1/12 of accrued interest from 8-9-71.	\$ 37.50
Deborah Kay Cochran a/k/a Deborah Kay Guess	1/12	\$ 37.50	None Plus 1/12 of accrued interest from 8-9-71.	\$ 37.50
William Bird Cochran a/k/a William Bird Guess	1/12	\$ 37.50	None Plus 1/12 of accrued interest from 8-9-71.	\$ 37.50
		(TOTAL)		\$450.00
ALL RESTRICTED INDIANS				

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts as shown in paragraph 11 in the amount of \$210.00 together with interest on such deficiency at the rate of 6% per annum from August 9, 1971, until the date of

deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tracts in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners plus their pro-rata share of the accrued interest, according to the schedule in paragraph 11 above, by issuing checks payable to the AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, MUSKOGEE AREA OFFICE, for deposit in the individual money account of the parties named above in paragraph 11.

/s/ Fred Daugherty

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

---

JACK M. SHORT  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ECONO-THERM CORPORATION,  
an Oklahoma corporation,

Plaintiff,

vs.

FLUOR CORPORATION, a  
corporation, and AMERICAN  
BOILER & TANK CO., a  
corporation,

Defendants.

No. 72-C-13

FILED

Nov 21 1972

U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

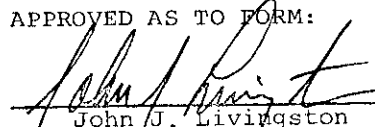
On this 20th day of ~~October~~ <sup>November</sup>, 1972, comes the plaintiff  
by its attorney, John J. Livingston, the defendant Fluor  
Corporation by its attorneys, William Scheurich and John M.  
Sharp, and the defendant American Boiler & Tank Co. by its  
attorney, Patrick O. Waddell, and the parties having filed  
a Stipulation of Dismissal with Prejudice herein.

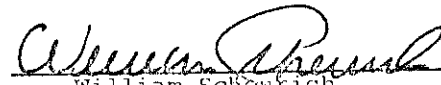
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all causes  
of action herein, be dismissed with prejudice, at the cost of  
the plaintiff.

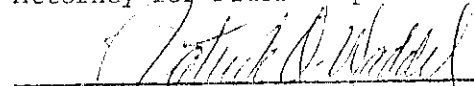
(Signed) ALLEN E. BARROW

United States District Court Judge

APPROVED AS TO FORM:

  
John J. Livingston  
Attorney for Econo-Therm Corporation

  
William Scheurich  
Attorney for Fluor Corporation

  
Patrick O. Waddell  
Attorney for American Boiler & Tank Co.

IN THE UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

THE CHASE MANHATTAN BANK (national association), )  
EXECUTOR of the estate of ROBERT H. SNYDER, )  
ROBERT J. KENNEDY, CLARENCE O. DIMMOCK, )  
CHARLES A. VAN PATTEN, ANDRE W. G. NEWSBURG, )  
G. L. SANDERS, JULIA T. PICKENS, DR. LEE )  
DAVENPORT, MUNICIPAL SECURITIES COMPANY, INC. )  
and WILLIAM KENNEDY, )

Plaintiffs, )

vs. )

NO. 72-C-385

HOME-STAKE PRODUCTION COMPANY, )  
HOME-STAKE 1964 PROGRAM OPERATING CORPORATION, )  
HOME-STAKE 1965 PROGRAM OPERATING CORPORATION, )  
HOME-STAKE 1966 PROGRAM OPERATING CORPORATION, )  
HOME-STAKE 1967 PROGRAM OPERATING CORPORATION, )  
HOME-STAKE 1968 PROGRAM OPERATING CORPORATION, )  
HOME-STAKE 1969 PROGRAM OPERATING CORPORATION, )  
and ROBERT S. TRIPPET, )

Defendants. )

FILE

NOV 20 1972

U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

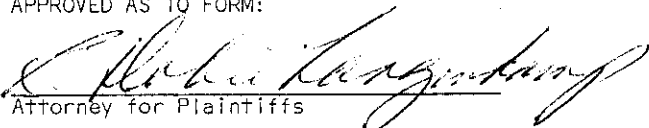
Now on this 20<sup>th</sup> day of November, 1972, there comes on before the court for its consideration the "Joint Stipulation of Dismissal With Prejudice", filed herein by the parties to this civil action pursuant to Rule 41(a) of The Federal Rules of Civil Procedure. Said joint stipulation is signed by the attorneys of record for the plaintiffs and the defendants.


Whereupon, it is the order of the court that the above captioned civil action is hereby dismissed with prejudice with the respective parties to bear their own costs herein incurred.

(Signed) ALLEN E. BARROW

Judge

APPROVED AS TO FORM:

  
Attorney for Plaintiffs

  
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 40.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND EDNA )  
 COUCH, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 70-C-381

Tract No. 1048M

(ROYALTY INTEREST - 1/8 and  
OVERRIDING ROYALTY INTEREST  
1/16 ONLY)

FILED

NOV 20 1972

J U D G M E N T

U. S. DISTRICT COURT Clerk

1.

Now, on this 20 day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 18, 1972, and the Court, after having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies only to the royalty and overriding royalty interests in the estate taken in Tract No. 1048M as such estate and tract are described in the Complaint filed in this case because judgment was entered on the working interest therein on July 31, 1972.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal

Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on December 9, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$560.00 for the royalty interest and \$40.00 for the overriding royalty interest in the Registry of this Court as estimated compensation for the taking thereof in said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of December 9, 1970.

6.

The Report of Commissioners filed herein on October 18, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the royalty interest and the overriding royalty interest in the estate taken therein is fixed by the Commission at \$1,437.00 for the royalty interest and \$479.00 for the overriding royalty interest.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the

date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tract and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the royalty interest and overriding royalty interest in the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of December 9, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the royalty and overriding royalty interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such interest in the estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

3.



11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 18, 1972, is hereby confirmed and the \$1,916.00 therein fixed is adopted as the award of just compensation for the royalty and overriding royalty interests in the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1048M

AWARD OF JUST COMPENSATION:

Total award for the royalty and overriding  
royalty interests in the estate taken . . . . \$1,916.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Royalty interest . . . . . \$1,437.00  
To Overriding Royalty interest . . . . \$ 479.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . 600.00

DEPOSIT DEFICIENCY . . . . . \$1,316.00  
plus 6% interest from  
December 9, 1970

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
<u>ROYALTY INTEREST (1/8):</u>				
Edna Couch	All	\$1,437.00	None	\$1,437.00 Plus pro- rata share of the ac- crued in- terest
<u>OVERRIDING ROYALTY INTEREST (1/16):</u>				
A. C. Thomas	All	\$ 479.00	None	\$ 479.00 plus pro- rata share of the ac- crued in- terest

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this

Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 11 in the amount of \$1,316.00 together with interest on such deficiency at the rate of 6% per annum from December 9, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tract in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 12 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners with their pro-rata share of the accrued interest, according to the schedule in paragraph 11 above.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF OKLAHOMA

GARY M. SMITH, on behalf of )  
himself and on behalf of all )  
other persons similarly )  
situated, )

Plaintiff, )

vs. )


No. 72-C-368

SEARS, ROEBUCK, INC., d/b/a )  
Sears, Roebuck and Company, )

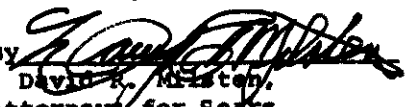
Defendant. )

S T I P U L A T I O N

Comes now James H. Werner, attorney for petitioner Gary M. Smith, on behalf of himself and on behalf of all other persons similarly situated, plaintiff herein and stipulates by and with David R. Milsten, of the law firm of Milsten and Morehead, attorneys for defendant, Sears, Roebuck & Company, Inc. d/b/a Sears, Roebuck and Company, the defendant, that this cause may be dismissed with prejudice to any future action.

  
James H. Werner,  
Attorney for Petitioner  
Gary M. Smith

Milsten and Morehead

By   
David R. Milsten,  
Attorneys for Sears,  
Roebuck and Company

O R D E R

The Stipulation of the plaintiff and defendant by and through their respective counsel of record having been duly considered, it is the order of this Court that the petition filed

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

J. C. PENNEY COMPANY, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TODDLIN' TIME, INC., )  
 )  
Defendant. )

No. 72-C-326

FILED

NOV 17 1972

J U D G M E N T

U. S. DISTRICT COURT

This matter comes on for hearing this 16<sup>th</sup> day of November, 1972, upon the Complaint and the Consent to Entry of Judgment filed by the defendant. The parties are represented by their attorneys of record, Richard W. Gable of Gable, Gotwals, Hays, Rubin & Fox for J. C. Penney Company, Inc., and James R. Head of Head & Johnson for Toddlin' Time, Inc. Based upon the Complaint and the Consent to Entry of Judgment, the Court finds that the allegations of the Complaint are true and correct and that the plaintiff is entitled to judgment as prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The defendant, Toddlin' Time, Inc., a corporation, its officers, agents, servants, employees and attorneys and all persons in active concert or participation with them, are hereby permanently enjoined and restrained from displaying for sale, offering for sale, advertising for sale, selling, or transporting or causing to be transported in commerce for purposes of distribution or sale any merchandise which bears upon it or upon its labeling or packaging the name or trademark TODDLIN' TIME, or any name or trademark confusingly similar to plaintiff's trademark TODDLETIME. Defendant may utilize the word TODDLIN' so long as it is not used in conjunction with the word TIME or any other word or words which would result in a name or trademark confusingly similar to plaintiff's trademark TODDLETIME.

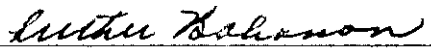
2. Defendant is hereby ordered to take those steps necessary to change its corporate name to one not including TODDLIN' TIME or any word or combination of words confusingly similar to plaintiff's trademark TODDLETIME. Defendant may utilize the word TODDLIN' so long as it is not used in conjunction with the word TIME or any other word or words which would result in a name or trademark confusingly similar to plaintiff's trademark TODDLETIME.

3. Defendant is hereby ordered to deliver up to destruction all labels, signs, prints, packages, wrappers, receptacles and advertisements bearing the name or trademark TODDLIN' TIME.

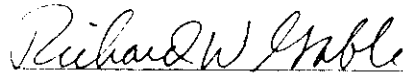
4. To permit an orderly changeover, defendant shall be permitted to produce until January 1, 1973, garments with the TODDLIN' TIME label but only for the purpose of filling orders received before November 10, 1972. Garments so produced may be delivered within a reasonable period of time thereafter depending upon customer needs. This permission is for the purpose of an orderly changeover and defendant shall use its best efforts to avoid the necessity of making deliveries after January 1, 1973, and shall not invoke the provisions of this paragraph otherwise in good faith.

5. Plaintiff shall pay to defendant the sum of \$1,400.00, the amount required for replacement of and removal of all items having "TODDLIN' TIME" thereon.

6. This decree shall be considered full payment of any damages, each party to bear its own costs.

  
Honorable Luther Bohanon  
United States District Judge

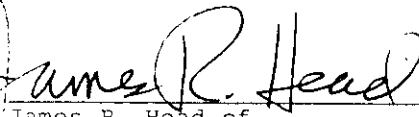
APPROVED AS TO FORM AND CONTENT:



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Of Counsel

Attorneys for J. C. Penney Company, Inc.



James R. Head of  
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Tulsa, Oklahoma 74103  
Telephone No. (918) 584-4187

Attorneys for Toddlin' Time, Inc.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
50.00 ACRES OF LAND, MORE OR )  
LESS, SITUATE IN NOWATA COUNTY, )  
STATE OF OKLAHOMA, AND ORIE )  
T. PRICE, ET AL., AND UNKNOWN )  
OWNERS, )  
 )  
Defendants.)

CIVIL ACTION NO. 70-C-335 ✓

Tract No. 1336M

FILED

NOV 17 1972

Clerk  
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 17<sup>th</sup> day of November, 1972, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a Stipulation As To Just Compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1336M as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above in paragraph 2. Pursuant thereto, on October 23, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$980.00 in the Registry of this Court as estimated compensation for the taking of said estate, part of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of October 23, 1970.

6.

On the date of taking in this action, the defendants, Ruth Newby Jones, David Newby, Elaine N. Shepherd, Rosemary Newby Mullen, and Orie T. Price, were the owners of the estate taken in subject tract. They are the only persons asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted; therefore, said defendants named in this paragraph are entitled to receive the just compensation awarded by this judgment.

7.

The owners of the subject property named in paragraph 6 above and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in the subject tract is \$1,250.00, inclusive of interest, and such Stipulation should be approved.

8.

This judgment will create a \$270.00 deficiency between the amount deposited as estimated compensation for the subject property and the amount fixed by the Stipulation As to Just Compensation; and such \$270.00 deficiency should be deposited for the benefit of the owners.

2.



9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America as of October 23, 1970, which was the date of taking thereof, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking, the defendants

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Stipulation As To Just Compensation, described in paragraph 7 above, hereby is confirmed; and the \$1,250.00, inclusive of interest, therein fixed is adopted as the award of just compensation for the estate condemned in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1336M

AWARD OF JUST COMPENSATION: . . . . .	\$1,250.00
ALLOCATION OF AWARD:	
(pursuant to Stipulation)	
Oil, Gas, and Other Minerals . . . . .	\$1,250.00
DEPOSIT OF ESTIMATED COMPENSATION . . . . .	980.00
DEPOSIT DEFICIENCY . . . . .	\$ 270.00

3.

## OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>OIL, GAS AND OTHER MINERALS</u>				
Ruth Newby Jones )				
David Newby )				
Elaine N. Shepherd )				
Rosemary Newby Mullen,)				
All As Joint Tenants	1/4	\$312.50	None	\$312.50
Orie T. Price	3/4	\$937.50	\$917.50	\$ 20.00

## 12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$270.00 and immediately following such deposit, the Clerk of this Court shall disburse therefrom the balance due the respective owners according to the schedule in paragraph 11 above. The check to the owners of the 1/4 interest should be made payable to:

Elaine N. Shepherd, Individually and as  
Attorney-in-Fact for Ruth Newby Jones, David  
Newby, and Rosemary Newby Mullen.

*Fred Danaherty*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Jack M. Short*  
JACK M. SHORT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 50.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND W. F. )  
 MOUTRAY, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 70-C-389 ✓

Tract No. 1108M

FILED

NOV 1 1972

Clerk

U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 16<sup>th</sup> day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1108M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on December 16, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$263.00 in the Registry of this Court as estimated compensation for the taking of said estate, part of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of December 16, 1970.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$372.00.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tract and the amount fixed by the Commission.

and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of December 16, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$372.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

3.

TRACT NO. 1108M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$372.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Lessee (Working) interest . . . . \$175.00  
To Overriding Royalty interest . . . 22.00  
To Lessor (Royalty) interest . . . . 175.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . 263.00

DEPOSIT DEFICIENCY . . . . . \$109.00  
plus 6% interest  
from December 16, 1970

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>LESSEE (WORKING) INTEREST (31/32 of 7/8):</u>				
W. F. Moutray	All	\$175.00	\$66.00	\$109.00 Plus 6% Interest from 12-16-70
<u>OVERRIDING ROYALTY INTEREST (1/32 of 7/8):</u>				
Stanley P. Munger	All	\$ 22.00	None	\$ 22.00
<u>LESSOR INTEREST (1/8):</u>				
H. D. Weaver	All	\$175.00	None	\$175.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner of the working interest the deposit deficiency for the subject tract as shown in paragraph 11 in the amount of \$109.00 together with interest on such deficiency at the rate of 6% per annum from December 16, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tract in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners, plus accrued interest where indicated, according to the schedule in paragraph 11 above.

Luther Bohannon  
UNITED STATES DISTRICT JUDGE

APPROVED:

Jack M. Short  
JACK M. SHORT  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )

Plaintiff, )

vs. )

GREAT PLAINS CONSTRUCTION )  
COMPANY, )

Defendant. )

No. 72-C-397

**E I L E**

NOV 17 1972

Clerk

ORDER OF DISMISSAL

U. S. DISTRICT COURT

NOW, on this 14th day of November, 1972, Plaintiff's Motion for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

  
District Judge



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

DEREK LEE WILSON,

Petitioner,

-vs-

STATE OF OKLAHOMA,

Respondent.

Case No. 72-C-402 Civil

**FILED**

NOV 17 1972

ORDER OF DISMISSAL

Clerk  
U. S. DISTRICT COURT

Petitioner applies for relief from his convictions in the District Court of Tulsa County on the ground that he was charged as an adult under the provisions of 10 Okl.St. Ann. §1101. On November 16, 1970, Petitioner was sentenced in five different criminal cases<sup>1/</sup> to a maximum of twenty-five years following his pleas of guilty. Apparently, Petitioner was sixteen years old at the time of the commission of some of the crimes and seventeen years of age when the other crimes charged were committed and Petitioner received his sentences. Petitioner claims that he did not appeal his convictions because he did not know that he could not be constitutionally tried as an adult and thus that he did not understand his constitutional rights.

Petitioner has applied for and been denied post-conviction relief in the District Court of Tulsa County and the Court of

1/

The charges included Burglary, second degree, Obtaining property by false pretenses, Robbery with firearms and Possession of narcotics.


Criminal Appeals.<sup>2/</sup> In those proceedings, he presented the same grounds as here presented. The Court finds and concludes that Petitioner has exhausted his available state remedies on this question. 28 U.S.C.A. §2254(c).

Petitioner relies solely and exclusively on the case of Lamb v. Brown, 456 F. 2d 16 (Tenth Cir. 1972) which declared 10 Okl.St. Ann. §1101(a) unconstitutional for the reason it contained an impermissible discrimination based on the sex of a juvenile offender. That decision was held to be not retroactive. 456 F. 2d at p. 20. Petitioner was sentenced on November 16, 1970, long before the decision in Lamb v. Brown, supra. Thus, his asserted ground for relief herein is without merit as a matter of law.

Petitioner made no allegation in his state post-conviction proceedings which required the determination of any fact and no such allegation is made here. An evidentiary hearing is therefore unnecessary. Inasmuch as Petitioner has failed to present any ground herein which would entitle him to relief under the provisions of 28 U.S.C.A. §2254, his Petition should be dismissed.

The Petition of Derek Lee Wilson, Petitioner, is hereby dismissed.

It is so ordered this 16 day of November, 1972.

  
Fred Daugherty  
United States District Judge

<sup>2/</sup>  
Derek L. Wilson v. State of Oklahoma, No. A-17737, Court of Criminal Appeals, Order dated September 28, 1972.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN

DISTRICT OF OKLAHOMA

**F I L E D**

NOV 15 1972

, Clerk

U. S. DISTRICT COURT

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )

Plaintiff, )

vs. )

NO. 72-C-293

EAST TEXAS CONTRACTORS, )

Defendant. )

JUDGMENT BY DEFAULT

The Summons and the Complaint in the above entitled action, having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff has filed a Motion for Default Judgment and an affidavit of the amount due; it is

ORDERED that judgment be entered in favor of the plaintiff above named, and against the defendant above named, in the sum of \$2,604.75, with interest thereon at the legal rate, attorney's fee in the amount of \$725.00, together with costs in the sum of \$18.00.

DATED at Tulsa, Oklahoma, this 16<sup>th</sup> day of November, 1972.

BY THE COURT:

5/ Allen E. Barrow  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )

Plaintiff, )

vs. )

H. L. GENTRY COMPANY, INC., )

Defendant. )

NO. 72-C-295 **FILED**

NOV 16 1972

Clerk  
U. S. DISTRICT COURT

JUDGMENT BY DEFAULT

The Summons and the Complaint in the above entitled  
action, having been duly served on the defendant, and the  
defendant is in default for failure to appear in this action,  
and the plaintiff has filed a Motion for Default Judgment and  
an affidavit of the amount due; It is

ORDERED that judgment be entered in favor of the  
plaintiff above named, and against the defendant above named,  
in the sum of \$400.00, with interest thereon at the legal rate, attorney's  
fee in the amount of \$250.00, together with costs in the sum of \$18.00.

DATED at Tulsa, Oklahoma, this 16<sup>TH</sup> day of November, 1972.

BY THE COURT:

S. / Allen E. Barrow  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )

Plaintiff, )

vs. )

NO. 72-C-296 )

UNDERGROUND ECOLOGY, INC., )

Defendant. )

JUDGMENT BY DEFAULT

**FILED**

NOV 16 1972

.. Clerk  
U. S. DISTRICT COURT

The Summons and the Complaint in the above entitled action, having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff has filed a Motion for Default Judgment and an affidavit of the amount due; it is

ORDERED that judgment be entered in favor of the plaintiff above named, and against the defendant above named, in the sum of \$337.14, with interest thereon at the legal rate, attorney's fee in the amount of \$400.00, together with costs in the sum of \$18.00.

DATED at Tulsa, Oklahoma, this 15<sup>th</sup> day of November, 1972.

BY THE COURT:

*Letitia Robinson*  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DONALDSON CONSTRUCTION CO., )  
INC., )  
 )  
Defendant. )

No. 72-C-401

**FILED**

NOV 16 1972

.. Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW, on this 14th day of November, 1972, Plaintiff's Motion for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debt's and liabilities between the parties have been paid, settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

Luther Bohannon  
District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )

Plaintiff, )

vs. )

MICHELS PIPE LINE CONSTRUCTION, )  
INC., )

Defendant. )

No. 72-C-296

**FILED**

NOV 15 1972

Clerk  
U. S. DISTRICT COURT

JUDGMENT BY DEFAULT

The Summons and the Complaint in the above entitled action, having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff has filed a Motion for Default Judgment and an affidavit of the amount due; It is

ORDERED that judgment be entered in favor of the plaintiff above named, and against the defendant above named, in the sum of \$500.00, with interest thereon at the legal rate, attorney's fee in the amount of \$250.00, together with costs in the sum of \$18.00.

DATED at Tulsa, Oklahoma, this 15 day of November, 1972.

BY THE COURT:

12/ Allen E. Morrow  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Petitioner,

vs.

JAMES ROBERT BOYD,

Patient.

Civil No. 72-1000

O R D E R

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient has been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793); and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

\* IT IS FURTHER ORDERED that the patient shall be transported to the National Institute Mental Health Clinical Research Center at Lexington, Kentucky, by the United States Marshal, within such time as the Court may direct.

Signed this 14<sup>th</sup> day of November, 1972.

UNITED STATES DISTRICT COURT  
MAGISTRATE

\* IT IS FURTHER ORDERED that the patient report to The National Institute Mental Health Clinical Research Center at Lexington, Kentucky by 10 o'clock p.m., Wednesday, November 15, 1972.





UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
NOV 14 1972

Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 71-C-91  
 )  
50.00 ACRES OF LAND, MORE OR ) Tract No. 1946M  
LESS, SITUATE IN NOWATA COUNTY, )  
STATE OF OKLAHOMA, AND F. A. )  
CALVERT, ET AL., AND UNKNOWN )  
OWNERS, )  
 )  
Defendants.)

J U D G M E N T

Now, on this 9<sup>th</sup><sup>1.</sup> day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1946M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on March 25, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$880.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of March 25, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$880.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 10 below.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right,

power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of March 25, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$880.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1946M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$880.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Lessee (Working) interest . . . . \$630.00

To Lessor (Royalty) interest . . . . \$250.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . \$880.00

DEPOSIT DEFICIENCY . . . . . -0-

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>LESSEE (WORKING) INTEREST:</u>				
Nowata, Inc.		\$630.00	None	\$630.00
<u>LESSOR INTEREST:</u>				
Julian W. Glass, Jr.	1/2	\$125.00	None	\$125.00
Trustee for: Eva Payne Glass, Ernest Frances Bradfield and Julian W. Glass Jr.,				
Horace K. Calvert and) Aileen S. Calvert )	1/2	\$125.00	None	\$125.00
(Assignees of F. A. Calvert in conveyance dated September 22, 1951, Recorded in Book 348 at Page 133 in the office of the County Clerk, Nowata County, Oklahoma)				

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HUGH A. KERR,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

CIVIL NO. 71-C-242 ✓

FILED

NOV 9 1972

Clerk

STIPULATION OF DISMISSAL

U. S. DISTRICT COURT

It is hereby stipulated and agreed that the above entitled action be dismissed with prejudice, each party to bear its own costs.

*Donald P. Moyers*  
Donald P. Moyers

*Charles B. Tetrick*  
Charles B. Tetrick

Attorneys for Plaintiff

NATHAN G. GRAHAM  
United States Attorney

*Robert P. Santee*  
ROBERT P. SANTEE  
Assistant U. S. Attorney  
Attorney for Defendant

IEU:lg  
11/3/72

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TULSA BUILDING SUPPLY CO. INC.,  
a corporation,

Plaintiff

vs.

DEXTER LOCK DIVISION OF KYSOR  
INDUSTRIAL CORPORATION, a corporation,

Defendant

FILED

NOV 9 1972

Clerk

U. S. DISTRICT COURT

No. 72-C-297

ORDER SUSTAINING MOTION TO DISMISS

Now on this 11 day of November 1972, there having come on for consideration by the undersigned United States District Judge the Motion to Dismiss the action of the plaintiff filed herein and the Court having considered the said Motion to Dismiss and the brief in support of the said motion finds that the Motion to Dismiss the action of the plaintiff should be sustained and that the action be dismissed at the cost of the plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the Motion to Dismiss filed herein by the defendant as to the plaintiff's action filed herein be and the same is hereby sustained and the said action as contained in the above styled and numbered matter be and the same is hereby dismissed at the cost of the plaintiff herein.

Donald H. St.  
United States District Judge

APPROVED:

WOODSON & GASAWAY

By [Signature]  
Attorneys for plaintiff

UNGERMAN, GRABEL, UNGERMAN & LEITER

By [Signature]  
Attorneys for defendant

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER  
  
SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ROBERT EARL JOHNSON, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 PARK J. ANDERSON, Warden, )  
 Oklahoma State Penitentiary, )  
 McAlester, Oklahoma, et al, )  
 )  
 Respondent. )

72-C-85 ✓

FILED

NOV 1 1972

U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, which included a transcript of the records of the District Court of Tulsa County, Oklahoma, and the Order of the Court of Criminal Appeals of the State of Oklahoma together with the Second Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. The petitioner has exhausted the remedies available in the courts of the State of Oklahoma.
2. An evidentiary hearing is not required, since the petition filed herein and the records and files examined by the court conclusively show that petitioner is not entitled to relief and no factual issues are raised.

IT IS, THEREFORE, ORDERED:

1. The Petition for Habeas Corpus filed herein is dismissed.
2. That a copy of this Order be mailed by the Acting Clerk of this Court together with a copy of the Second Report of the United States Magistrate to the petitioner.
3. That the Acting Clerk of this Court furnish to the respondent a copy of this Order, together with a copy of the Second



Report of the United States Magistrate, by mailing same to the  
Attorney General of the State of Oklahoma.

Dated this 7<sup>th</sup> day of November, 1972.

  
CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM JOSEPH LEE, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 PARK J. ANDERSON, WARDEN, )  
 ET AL, )  
 )  
 Respondent. )

72-C-162 ✓

FILED

NOV 7 1972

U. S. DISTRICT COURT

ORDER

THE COURT, having examined the Petition for Writ of Habeas Corpus filed herein by the Acting Clerk, and having further examined the Second Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. It does not appear that the petitioner has exhausted the remedies available in the courts of the State of Oklahoma, or that there is either an absence of available state corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. 22 U.S.C.A. § 2254. Although the petitioner did pursue an unsuccessful direct appeal to the Court of Criminal Appeals of the State of Oklahoma concerning his grounds for Writ of Habeas Corpus, he has ignored the state post conviction remedy provided by 22 O.S.A. § 1080 et seq. The institution of a post conviction action in a state sentencing court is a prerequisite to the granting of habeas corpus relief in this court. (Hoggatt vs. Page, 432 F.2d 41 [C.A. 10 1968] and Boyle vs. Crouse, 395 F.2d 755 [C.A. 10 1968] and Omo vs. Crouse, 395 F.2d 757 [C.A. 10 1968]).

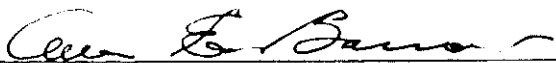
IT IS, THEREFORE, ORDERED:

1. The Petition for Writ of Habeas Corpus is denied and the case is dismissed.

2. That a copy of this Order be mailed by the Acting Clerk of this Court to the petitioner together with a copy of the Second Report of the United States Magistrate.

3. That a copy of this Order be mailed by the Acting Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, together with a copy of the Second Report of the United States Magistrate.

Dated this 7<sup>th</sup> day of November, 1972.

  
CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JOE C. AVANTS,

Petitioner,

vs.

THE STATE OF OKLAHOMA EX REL  
PARK ANDERSON, WARDEN,

Respondent.

72-C-188

NOV 1972

JACK C. SILVER-ACTING

U. S. DIST. CT.

ORDER

THE COURT having examined the Petition for Writ of Habeas Corpus filed herein by the Acting Clerk, and having further examined the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That the plea of guilty by petitioner was made voluntarily with understanding of the nature of the charges and the consequences of his plea;

2. The plea of guilty by the petitioner waived all non-jurisdictional defenses;

3. Since petitioner had been found guilty as a result of his plea of guilty the failure of the District Court of Tulsa County, Oklahoma and the State Criminal Court of Appeals for the State of Oklahoma denying right to bail did not violate any of the constitutional rights of petitioner and further, there was no showing that the state engaged in discriminatory or arbitrary administration of the bail system.

IT IS, THEREFORE, ORDERED:

1. That the Petition for Writ of Habeas is denied.

2. That a copy of this Order be mailed by the Acting Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

3. That the Acting Clerk of this Court furnish to respondent a copy of this Order, together with a copy of the Initial Report of the United States Magistrate, by mailing the same to the Attorney General of the State of Oklahoma.

Dated this 7<sup>th</sup> day of November, 1972.

Allen E. Bann

CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

THE UNITED STATES OF AMERICA )  
and FARMERS STATE BANK, Afton, )  
Oklahoma, an Oklahoma Banking )  
Corporation. )

Plaintiffs, )

v. )

EARL C. GARMAN, )

Defendant. )

No. \_\_\_\_\_

FILED

NOV 11 1971

... Clerk

U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

Now on this 6 day of November, 1971, this cause comes on for trial pursuant to regular setting. The parties appeared by their respective counsel and the court being fully advised in the premises and on consideration thereof, finds the issues in general in favor of the plaintiffs.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED by the court that pursuant to the provisions of Title 23, U.S.C.A., Section 4465, the segregated fund in the approximate sum of \$60,465.45 being held by The United States of America and identified as moneys wrongfully appropriated by defendant Earl C. Garman and belonging to plaintiff Farmers State Bank, Afton, Oklahoma, an Oklahoma Banking Corporation, is ordered returned forthwith by The United States of America and its agency the Federal Bureau of Investigation to Farmers State Bank, Afton, Oklahoma, an Oklahoma Banking Corporation, and free from any claim of defendant Earl C. Garman, and that the parties herein bear their respective costs, nor shall the person who made the seizure of said described fund, nor any prosecutor, be liable to suit or judgment on account of any suit or prosecution with reference to said fund above described.

5/ [Signature]  
U. S. District Judge

OK  
Nathan G. Graham U.S.G.  
[Signature]  
[Signature]

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 120.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND JOE L. )  
 BARTHEL, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 70-C-385 ✓

Tract Nos. 1268M and 1269M

**FILED**

NOV 6 1972  
JACK G. SILVER - ACTING

Clerk

J U D G M E N T

U. S. DISTRICT COURT

Now, on this 6<sup>th</sup> day of November, 1972, this  
matter comes on for disposition on application of the Plaintiff,  
United States of America, for entry of judgment on the Amended  
Report of Commissioners filed herein on October 31, 1972, and  
the Court, having examined the file in this action and being  
advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the  
subject matter of this action.

3.

This judgment applies to the entire estate taken  
in Tract Nos. 1268M and 1269M as such estate and tracts are  
described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally  
or by publication notice, as provided by Rule 71A of the Federal  
Rules of Civil Procedure, on all parties defendant in this  
cause who are interested in the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on December 9, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$7,355.00 in the Registry of this Court as estimated compensation for the taking of said estate, part of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of December 9, 1970.

6.

The Amended Report of Commissioners filed herein on October 31, 1972, is hereby accepted and adopted as findings of fact as to the subject tracts, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$11,500.00.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tracts are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on Tract 1268M on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken

2.



in the subject tracts and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of December 9, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tracts were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on Tract 1268M on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Amended Report of Commissioners filed herein on October 31, 1972, is hereby confirmed and the \$11,500.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tracts, which is allocated and should be disbursed according to the following schedule:

3.

TRACT NOS. 1268M and 1269M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$11,500.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Lessee (Working) interest . . . . \$10,000.00

To Lessor (Royalty) interest . . . . 1,500.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . 7,355.00

DEPOSIT DEFICIENCY . . . . . \$ 4,145.00  
plus 6% interest  
from December 9, 1970

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>LESSEE (WORKING) INTEREST:</u>				
Joe L. Barthel	3/4	\$7,500.00	\$4,612.50	\$2,887.50
Gloria M. R. Clifton	1/4	\$2,500.00	\$1,537.50	\$ 962.50
<u>LESSOR INTEREST:</u>				
Elizabeth Fell Oven Now Mrs. Elizabeth Cummings	31.5% of 1/4	\$118.13	None	\$ 118.13
Frances Fell Kilpatrick Now Mrs. Wallace Malone	31.5% of 1/4	\$118.12	None	\$ 118.12
Jno. W. Nichols, Trustee	37% of 1/4	\$138.75	None	\$ 138.75
H. M. McMillan	1/4	\$375.00	None	\$ 375.00
June H. Collins	1/4	\$375.00	None	\$ 375.00
Wells T. Sager (Edgar C. Sager is deceased and Wells T. Sager has been decreed his only heir.)	1/4	\$375.00	None	\$ 375.00


12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
the United States of America shall pay into the Registry of  
this Court for the benefit of the owners the deposit deficiency

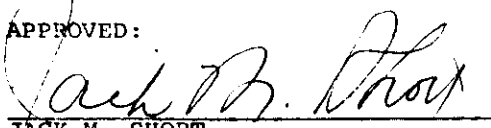
for the subject tracts as shown in paragraph 11 in the amount of \$4,145.00 together with interest on such deficiency at the rate of 6% per annum from December 9, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tracts in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners with all accrued interest, according to the schedule in paragraph 11 above.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
JACK M. SHORT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
60.00 ACRES OF LAND, MORE OR )  
LESS, SITUATE IN NOWATA COUNTY, )  
STATE OF OKLAHOMA, AND LUCILE )  
VINCENT, ET AL., AND UNKNOWN )  
OWNERS, )  
 )  
Defendants.)

CIVIL ACTION NO. 71-C-92

Tract No. 1948M

F I L E D

NOV 3 1972

U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 2<sup>nd</sup> day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1948M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on March 25, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$590.00 in the Registry of this Court as estimated compensation for the taking of said estate, part of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of March 25, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$590.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 10 below.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right,

2.

power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of March 25, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$590.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1948M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$590.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Lessee (Working) interest . . . . \$290.00

To Lessor (Royalty) interest . . . . 300.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . \$590.00

DEPOSIT DEFICIENCY . . . . . -0-

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
<u>LESSEE (WORKING) INTEREST:</u>				
Nowata, Inc.		\$290.00	None	\$290.00
<u>LESSOR INTEREST:</u>				
Lucile Vincent	7/30	\$ 70.00	None	\$ 70.00
Roy W. Wilkinson	7/30	\$ 70.00	\$70.00	-0-
Maude Anna Blecha	7/30	\$ 70.00	None	\$ 70.00
Hugh S. Wilkinson	2/30	\$ 20.00	None	\$ 20.00
Lucile M. Wilkinson and Mercantile Trust Co., Co-Executors of Estate of John F. Wilkinson Wilkinson	7/30	\$ 70.00	None	\$ 70.00

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 10.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND HORACE )  
 K. CALVERT, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 71-C-206

Tract No. 1902M

FILED

NOV 3 1972  
JACK C. SILVERMAN, CLERK  
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 2nd day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1902M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.



5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on June 1, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$150.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of June 1, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$204.00.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tract and the amount fixed by the Commission

and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of June 1, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$204.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1902M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$204.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Lessee (Working) interest . . . . \$ 20.00

To Lessor (Royalty) interest . . . . 184.00

DEPOSIT OF ESTIMATED COMPENSATION . . . . . \$150.00

DEPOSIT DEFICIENCY . . . . . \$ 54.00  
plus 6% interest  
from June 1, 1971

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>LESSEE (WORKING) INTEREST:</u>				
Square H. Industries, Inc.		\$ 20.00	None	\$20.00
<u>LESSOR INTEREST:</u>				
Horace K. Calvert and ) Aileen S. Calvert )	1/2	\$ 92.00	None	\$92.00
Julian W. Glass, Jr. ) Trustee for: Eva Payne Glass Ernest Frances Bradfield and Julian W. Glass, Jr.	1/2	\$ 92.00	None	\$92.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 11 in the amount of \$54.00 together with interest on such deficiency at the rate of 6% per annum from June 1, 1971, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tract in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk

of this Court shall then disburse, from the deposit in this case, the balance due the respective owners with all accrued interest, according to the schedule in paragraph 11 above.

/s/ Luther Bohanon

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

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JACK M. SHORT  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )

vs. )

40.00 ACRES OF LAND, MORE OR )  
LESS, SITUATE IN NOWATA COUNTY, )  
STATE OF OKLAHOMA, AND KARNA M.)  
STRATTON, ET AL., AND UNKNOWN )  
OWNERS, )

Defendants.)

CIVIL ACTION NO. 71-C-291

Tract No. 1542M

FILED

NOV 8 1972  
J. Clerk  
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 2nd day of November, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1542M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on August 10, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$200.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of August 10, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$200.00.

7.

The Defendant named in paragraph 10 as owner of the estate taken in the subject tract is the only Defendant asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. Said named Defendant was the owner of the estate condemned herein as of the date of taking and, as such, is entitled to receive the just compensation awarded by this judgment according to her interest as set out in paragraph 10 below.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and

2.

such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of August 10, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owner of the interest in the estate taken herein in the subject tract was the Defendant whose name appears below in paragraph 10 with the interest owned also shown therein and the right to receive the just compensation for such estate is vested in the party so named.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$200.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1542M

OWNER: Mrs. L. W. Hineman (formerly Karna M. Stratton)  
Trustee under last Will and Testament of  
Forrest L. Stratton

AWARD OF JUST COMPENSATION (Pursuant to Commissioners' Report) . . . . .	\$200.00
DEPOSIT OF ESTIMATED COMPENSATION . . . . .	\$200.00
PREVIOUSLY DISBURSED . . . . .	None
BALANCE DUE OWNER . . . . .	\$200.00

---

3.

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying the owner her balance due as shown above in paragraph 10.

/s/ Luther Bohanon

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

---

JACK M. SHORT  
Assistant United States Attorney



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WILMA LOUISE MORELAND,

Plaintiff,

- vs -

JAMES RAY MORELAND, JOHN L.

EVANS, KENNY F. CLOSE, PATRICK J.

BALLARD, JAMES L. HOLT AND GLENN

CODDING,

Defendants.

No. 72-C-31

FILED  
NOV 5 1972  
U.S. DISTRICT COURT

JOURNAL ENTRY

This matter coming on to be heard this date by the Court upon the stipulation of the Plaintiff and the Defendants on file herein and the Court being well and sufficiently advised in said cause and upon consideration thereof finds that said Stipulation should be approved by the Court and that the following consent injunction be and the same is hereby entered, to-wit:

That said Defendants are restrained and enjoined from in any manner:

(1) Harrassing said Plaintiff by keeping said Plaintiff under surveillance or following said Plaintiff in and about the streets of Bartlesville, Oklahoma, and Washington County, Oklahoma, without justifiable cause.

(2) From in any manner interfering with Plaintiff's right to engage in the lawful pursuit of her business affairs as operator of a Security Patrol business in and about the City of Bartlesville and County of Washington, Oklahoma, and from conducting a Detective Investigation Agency and acting as agent therefor.

(3) From in any manner, without justifiable or probable cause, either individually or in concert with each other or others, depriving Plaintiff of the rights guaranteed her by the constitution of the United States of America.

(4) From denying Plaintiff access to all public records of the County Office of Washington County, Oklahoma, or any City office of the City of Bartlesville, Oklahoma, under the jurisdiction of the Defendants or any of said Defendants.

(5) From any acts or act which would deny Plaintiff herein equal rights and privileges afforded any other qualified person in the event it becomes necessary for Plaintiff to obtain a permit for the purpose of carrying a firearm in the lawful course of her business pursuits as hereinabove outlined.

(6) To do no act or acts in violation of the above set forth purposes and the intention of the aforesaid injunction.

Done in open Court this 3rd day of November 1972.

U.S. DISTRICT JUDGE

*Approved*  
*W. J. [unclear]*  
*Attorney for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

TROY H. BROWN, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
PACIFIC MUTUAL LIFE INSURANCE )  
COMPANY and METROPOLITAN LIFE )  
INSURANCE COMPANY, )  
 )  
Defendants. )

No. 72-C-186 ✓

**FILED**

NOV - 2 1972

Clerk

ORDER OF DISMISSAL

U. S. DISTRICT COURT

Now on this 16th day of October, 1972, this matter comes on for hearing upon the Motions for Summary Judgment filed by the defendants. Plaintiff appeared by his counsel of record, Stipe, Gossett & Stipe by Mr. Gene Stipe, and the defendants appeared by their attorneys of record, Gable, Gotwals, Hays, Rubin & Fox.

Prior to hearing the Motions, the plaintiff, acting through his attorney, requested permission to dismiss this action without prejudice. After due consideration, the Court accepts the dismissal without prejudice and hereby orders the same dismissed without prejudice.

Luther Bohanon  
Honorable Luther Bohanon

APPROVED AS TO FORM:

STIPE, GOSSETT & STIPE

By

Gene Stipe  
Attorneys for Plaintiff

GABLE, GOTWALS, HAYS, RUBIN & FOX

By

RW Gable  
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM F. PITZER and MYRTLE  
M. PITZER, husband and wife,  
  
Plaintiffs,  
  
vs.  
  
ROBERT W. PHILLIPS and DELORES  
G. PHILLIPS, husband and wife,  
  
Defendants.

No. 70-C-396

FILED  
NOV 2 1972

U. S. DISTRICT COURT  
Clerk

ORDER SUSTAINING FINDINGS AND RECOMMENDATIONS OF MAGISTRATE  
AND  
FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT

There comes on before this Court for consideration  
on this 1st day of November, 1972, the findings and  
recommendations heretofore made by the U. S. Magistrate, Morris L.  
Bradford, on the 19th day of October, 1972.

This Court finds as follows:

1. That no objections or other responses have been  
made or filed by the parties litigant to the findings and  
recommendations of the Magistrate.
2. The findings of fact by the Magistrate are correct  
and should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
the funds on deposit in the Court Registry in this matter as  
set forth in the application of the Defendant, First City Bank of  
Springfield, which constitute an existing surplus derived through  
the receivership from the realty which is the subject matter of  
this action, be distributed in toto to the Defendant, First City  
Bank of Springfield as a part of the res in accordance with its  
second order of priority established under the Journal Entry of  
Judgment herein, Plaintiff's first priority under the same judg-  
ment having heretofore been satisfied in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
motions of the United States of America, as substitute  
party for the Federal Business Administration, and the motion of the

Defendant, Joseph Turner, to apply such surplus funds to their respective judgments be and the same are hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff's objections to the proposed order of the Defendant, First City Bank of Springfield, directing payment to it of such surplusage of funds be and the same are hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion of the Defendant, 1200 Corporation, for deficiency judgment, in the absence of objection and upon the merits of the application be and the same is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the remaining portion of the application of the Defendant, First City Bank of Springfield, requesting further accounting herein by the receiver and Plaintiff of funds in addition to those on deposit with the Court Registry be and the same is hereby denied.

  
ALLEN E. BARROW, JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 60.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN NOWATA COUNTY, )  
 STATE OF OKLAHOMA, AND SQUARE )  
 H. INDUSTRIES, INC., ET AL., )  
 AND UNKNOWN OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 71-C-93

Tract No. 1951M

FILED

NOV 2 1972

Clerk  
U. S. DISTRICT COURT

J U D G M E N T

Now, on this 31<sup>st</sup> day of October 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1951M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on March 25, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$300.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of March 25, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$300.00.

7.

The Defendant named in paragraph 10 as owner of the estate taken in the subject tract is the only Defendant asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. Said named Defendant was the owner of the estate condemned herein as of the date of taking and, as such, is entitled to receive the just compensation awarded by this judgment according to its interest as set out in paragraph 10 below.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint,

is condemned and title thereto is vested in the United States of America, as of March 25, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owner of the interest in the estate taken herein in the subject tract was the Defendant whose name appears below in paragraph 10 with the interest owned also shown therein and the right to receive the just compensation for such estate is vested in the party so named.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$300.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

Tract No. 1951M

OWNER: Nowata, Inc.

AWARD OF JUST COMPENSATION	
(Pursuant to Commissioners' Report . . . . .	\$300.00
DEPOSIT OF ESTIMATED COMPENSATION . . . . .	\$300.00
AMOUNT PREVIOUSLY DISBURSED . . . . .	None
BALANCE DUE NOWATA, INC. . . . .	\$300.00

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying Nowata, Inc. its \$300.00 balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Assistant United States Attorney

3.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN H. LORRAINE, Secretary of Labor	)	
United States Department of Labor	)	
	)	
Plaintiff	)	
	)	CIVIL ACTION
v.	)	
	)	File No. 72-C-187
JANE PHILLIPS EPISCOPAL HOSPITAL, INC.,	)	
doing business as JANE PHILLIPS	)	
HOSPITAL	)	
	)	
Defendant	)	

ORDER OF DISMISSAL

FILED  
NOV 2 1972  
Clerk  
U. S. DISTRICT COURT

Plaintiff having filed his complaint herein, and thereafter defendant, Jane Phillips Episcopal Hospital, Inc., doing business as Jane Phillips Hospital, having assured plaintiff and this court that it will comply in the future with the provisions of the Fair Labor Standards Act of 1938, as amended, and defendant having heretofore entered into a stipulation of compliance, wherein it specifically agrees to comply with all pertinent provisions of the Fair Labor Standards Act, and defendant having agreed to pay to plaintiff \$8,028.23 as unpaid minimum wages and overtime compensation for the use and benefit of certain of defendant's present and former employees;

It is, therefore, ORDERED, ADJUDGED and DECREED that the above styled and numbered cause be, and the same hereby is, dismissed with prejudice.

DEED IN REPLY TO MEMORIAL 1870.

1870 J. H. Doughty  
UNITED STATES DISTRICT JUDGE